

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED  
NOV 06 2013  
JULIA Q. DUDLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

JANYCE LEWIS, et al.,

Plaintiffs,

v.

CHARLOTTESVILLE REDEVELOPMENT  
AND HOUSING AUTHORITY, et al.,

Defendants.

Civil Action No. 3:12-cv-00026

**ORDER**

By: Hon. Glen E. Conrad  
Chief United States District Judge

This case is presently before the court on the plaintiffs' motion for preliminary certification of a settlement class and preliminary approval of a settlement reached with the Charlottesville Redevelopment and Housing Authority ("CRHA") and Constance Dunn. The court held a hearing on the plaintiffs' motion on November 4, 2013. Having considered the motion, the supporting memorandum and declarations, the terms of the settlement agreement filed on September 30, 2013 (the "Settlement Agreement"), and the arguments presented in open court, it is hereby

**ORDERED**

as follows:

1. Pursuant to Rules 23(a) and (b)(3) of the Federal Rules of Civil Procedure, the court preliminarily finds, for settlement purposes only, that the prerequisites to class certification have been met as to the "Settlement Class" defined below, in that: (a) the Settlement Class is so numerous that joinder of all members is impracticable; (b) there are questions of law or fact common to the Settlement Class; (c) the claims of the named plaintiffs are typical of the claims of the Settlement Class; (d) the named plaintiffs will fairly and adequately represent the interests

of the Settlement Class; (e) the questions of law and fact common to the members of the Settlement Class predominate over any questions affecting only individual members; and (f) a class action is superior to other available methods for fair and efficient adjudication of the controversy. Accordingly, the court grants the plaintiffs' motion for preliminary certification, and provisionally approves, for settlement purposes only, the following Settlement Class:

All current and former Charlottesville public housing residents since June 7, 2007 who were subject to CRHA's 2003 resolution regarding utility allowances.

2. The court also preliminarily finds that the terms of the Settlement Agreement are (a) fair, reasonable, and adequate in light of the relevant factual, legal, practical, and procedural considerations of the action; (b) free of collusion to the detriment of the members of the Settlement Class; and (c) within the range of possible final judicial approval, subject to further consideration at the Fairness Hearing described in paragraph 37 of this order. Accordingly, the court grants the plaintiffs' motion for preliminary approval of the Settlement Agreement.

3. The court preliminarily appoints plaintiffs Janyce Lewis, Deborah Cooper, Clarissa Folley, Harold Folley, Earletta Gladden, and Telambria Tinsley as Class Representatives for the Settlement Class.

4. The court conditionally appoints the following law firm and attorneys as Class Counsel for the Settlement Class:

Brenda Castañeda, VSB #72809  
brenda@justice4all.org

Thomas D. Domonoske VSB #35434  
tom@justice4all.org

Alex Gulotta, VSB # 37097  
alex@justice4all.org

LEGAL AID JUSTICE CENTER  
1000 Preston Avenue, Suite A  
Charlottesville, Va. 22903  
PHONE 434-977-0553 x 103  
FAX 434-977-0558

5. If, for any reason, the Settlement is not finally approved or does not become effective, this provisional settlement approval and class certification order shall be null and void, and shall not be used or referred to for any purpose in this action or any other action or proceeding.

**Prospective Relief for Tenants**

6. If no appeal is filed from a final order in this case, then thirty days after entry of a final judgment approving this class settlement, the following terms of prospective relief shall take effect.

7. The CRHA electricity allowances will be based on the 2010 2rw recommendations, derived from the 2010 HUD calculator, set forth in Attachment 1.

8. These allowances will continue for a period of five years.

9. The rate applied to excess electric charges shall be \$.074 per kilowatt hour exceeding the allowance. This rate will continue in effect for a period of five years.

10. The tenants of each of the 251 units actually charged for utilities shall receive a credit of \$15.00 per month, to be applied for thirty-six (36) months from the date of settlement. Such credits shall be applied at the tenant's discretion.

11. The tenants of each of the 251 units actually charged for utilities shall receive a credit of \$5.00 per month for twenty-four (24) months thereafter. Such credits shall be applied at the tenant's discretion.

12. This credit shall be on the account of the household assigned to each of the 251 units actually charged for utilities, to be used for any purpose associated with the lease.

13. CRHA shall promulgate an individual relief policy prohibiting CRHA from charging tenants who are elderly, disabled, ill, or otherwise have special needs for usage of electricity beyond their control. Thirty days prior to implementing the policy, CRHA shall provide a draft policy to plaintiffs for comments or suggestions. CRHA will consider and decide any requests for relief under this policy within ten days of the request.

14. CRHA shall further notify tenants of the right to request relief from the imposition of utility surcharges upon implementation of the policy, upon their admission into the public housing program, at their initial lease execution, and at their annual recertification appointments. This notification shall be in writing and will state the right to challenge the denial of any request for relief in accordance with CRHA's grievance procedure.

**Retroactive Relief for Former and Current Tenants**

15. On July 2, 2013, defendants deposited \$160,000.00 into Legal Aid Justice Center's Client Trust Account at BB&T. These funds and the interest that accrues on them are to be distributed as described below.

- a. \$94,500.00 to be distributed to tenants who paid excess electricity consumption surcharges incurred between June 7, 2007 and May 31, 2013;
- b. \$6,600.00 to be distributed to tenants who did not incur excess electric charges for one or more years between January 1, 2008 and December 31, 2012, and were eligible to receive the \$50.00 savings bond;
- c. \$6,000.00 for incentive awards of \$1,000.00 to each of the Class

Representatives for pursuing the claims, to cover the expenses incurred for attending meetings and hearings as well as personal time spent advancing the litigation, and the personal risk they took in speaking out for their rights;

d. \$50,000.00 for attorneys' fees; and

e. Up to \$2,000.00 for the costs of administering the settlement.

16. The CRHA has identified 427 current and former CRHA tenants who paid excess electric utility consumption charges incurred between June 7, 2007 and May 31, 2013.

17. The total amount of excess utility consumption surcharges eligible for reimbursement is \$288,717.24 (see Attachment 2). Current and former CRHA tenants eligible for reimbursement payments are identified by numbers in Attachment 2 along with the amounts they are entitled to receive.

18. All current and former tenants will receive an amount equivalent to at least 33.043 percent of the excess utility consumption fees charged to them between June 7, 2007 and May 31, 2013, and paid by them.

19. Current and former tenants who stayed below their total annual electric utility allowance between January 1, 2008 and December 31, 2012 and, thus, were eligible for a \$50 savings bond pursuant to the 2003 CRHA Board Resolution, will receive \$50.00 for each year that they were eligible. The households eligible for the \$50 bonds are identified by number in Attachment 3 to this order.

**Settlement Administration Fees**

20. Class Counsel will be responsible for providing notice to all class members and distributing the settlement proceeds, and will receive actual costs up to \$2,000.00 out of the total settlement amount as administration costs for doing so.

**Notice of Right to Reimbursement**

21. Within 10 days of preliminary approval by the court of this Settlement Agreement, Class Counsel will mail the attached Notice of Class Action Settlement (Attachment 4) to each of the Class Members. The Notice of Class Action Settlement describes: the nature of this action; the definition of the class certified; the class claims and issues raised; the proposed amounts to be distributed for reimbursement; the percentage of excess utility fees that class members will be reimbursed; the fact that Class Members have the right to hire an attorney; the fact that the court will exclude any member who requests exclusion; the time and manner for requesting exclusion; and the binding effect of a class judgment on class members. This Notice also advises Class Members that they may contact Class Counsel if they would like further information.

22. Class Counsel will mail the Notice based on addresses provided by CRHA for current and former residents. For those notices returned as undeliverable or where Class Counsel otherwise reasonably believe an address is incorrect, Class Counsel shall make reasonable efforts to locate and contact those Class Members, and CRHA shall cooperate in those efforts.

23. Class Counsel will file a notice with the court upon completion of the mailing.

24. Class Counsel shall also post the Notice of Class Action Settlement on their website and shall provide links to the Settlement Agreement and the pleadings in this case.

25. CRHA shall post the Notice of Class Action Settlement in a prominent location at each of the public housing sites that are the subjects of this lawsuit, and link to it on the public housing page on the City of Charlottesville website.

26. If the Notice of Class Action Settlement sent to any current or former resident is returned because the intended recipient is deceased, then notice shall be mailed to the executor, administrator, or personal representative of the decedent's estate if Class Counsel has been provided valid third party documentation confirming that such individual has been qualified to serve in this capacity.

**Objection, Intervention, or Opt-out**

27. If a Class Member or Class Counsel disagrees with the determination as to the member's eligibility for reimbursement or the amount of the reimbursement, the individual Class Member, Class Counsel, and the CRHA shall jointly review the Class Member's payment ledger, and any other documentation to determine if a discrepancy exists. If the CRHA, Class Counsel, and the Class Member are unable to reach an agreement as to the member's entitlement to relief, the Class Member may file an enforcement action in this court.

28. Any payment or form of other consideration provided to any intervenor or objector must first be presented to the court for approval by motion. The motion that is made on behalf of any objector or intervenor must separately identify the consideration to be provided to the objector or intervenor, any attorneys' fees that are to be paid, and the benefit that the objector or intervenor conferred upon the class.

29. Any Class Member who wishes to be excluded from the Settlement Class and not be bound by the Settlement Agreement must mail a request for exclusion ("Opt-Out") to Class Counsel postmarked no later than December 27, 2013. For a Class Member's Opt-Out to

be valid, it must state the Class Member's intent to be excluded from the Settlement Class, to not participate in the Settlement distribution, and to waive all rights to the benefits of the Settlement. Any Class Member who does not submit a timely and valid Opt-Out, shall be bound by the Settlement Agreement and any Final Judgment entered in the action. Further, any Class Member who submits a timely and valid Opt-Out will be deemed to have waived any rights or benefits under the Settlement, and will not have standing to object to the Settlement or to seek to intervene in the action. Class Counsel shall file any requests to opt out with the federal district court within 10 days of receiving the requests.

**Distribution of money**

30. Each named plaintiff and Settlement Class Member's proportionate total share of the Settlement Fund to be distributed from the Settlement Fund will be calculated as follows:

- a. Each named plaintiff and Class Member who does not opt out and whose identifying number appears on Attachment 2 will receive their percentage recovery for electricity surcharges between June 7, 2007 and May 31, 2013 as listed in Attachment 2.
- b. Each named plaintiff or Class Member who does not opt out and whose identifying number appears on Attachment 3 will receive a payment of \$50.00 for each year identified in which that named plaintiff or Class Member did not exceed their annual electrical allowance.
- c. In consideration for their commitment to the pursuit of the claims



in this action on behalf of themselves and the Class, \$6,000.00 of the Settlement Fund will be paid to the individual named plaintiffs in this action. This represents an incentive award of \$1,000.00 to each named plaintiff for participation as a Class Representative to cover the expenses incurred for attending meetings and hearings as well as personal time spent advancing the litigation and the personal risk they took in speaking out for their rights.

**Disposition of Unclaimed Funds (Cy Pres)**

31. Any unclaimed funds in the escrow account as of six months after the checks have first been disbursed, shall be distributed to the Albemarle Housing Improvement Project (AHIP), to be held in trust for the use by then-current tenants of CRHA facilities for monetary assistance toward the purchase of energy-efficient cooling equipment or energy-efficiency improvements.

**Attorneys' Fees and Costs**

32. This Settlement includes \$50,000.00 in attorneys' fees, payable to Legal Aid Justice Center, which represents only a portion of the total hours spent by plaintiffs' attorneys on this case multiplied by the lodestar rates of those attorneys representing reasonable rates for attorneys of comparable experience in the same market area.

33. Class Counsel may receive the actual costs of Settlement administration up to \$2,000.00 out of the total Settlement amount.

**Notice Pursuant to the Class Action Fairness Act**

34. Within 10 days of the parties' filing this Settlement Agreement with the court, Defendants will, pursuant to the Class Action Fairness Act ("CAFA"), mail the notice and

documents required by CAFA to the Attorney General of the United States and to the Attorney General of the Commonwealth of Virginia.

35. Defendants shall file a notice with the court upon completion of the required CAFA mailings.

**Fairness Hearing**

36. A hearing (the Fairness Hearing) shall be held before this court on January 13, 2014, at 2:00 p.m., to hear objections and determine: (a) whether the proposed Settlement and compromise of this action as set forth in the Settlement Agreement is fair, reasonable, and adequate to the Class Members and should be approved by the court; (b) whether the Final Judgment should be entered approving the Settlement; (c) whether to approve the request of Class Counsel for payment of attorneys' fees and reimbursement of administration expenses; and (d) whether to approve the request of Class Representatives for incentive awards.

37. Any interested person may appear at the Fairness Hearing to show cause why the proposed Settlement should or should not be approved as fair, reasonable, adequate, and in good faith and/or why the request of Class Counsel for approval of attorneys' fees and expenses and litigation-related reimbursements should or should not be approved as fair and reasonable. However, no person shall be heard or entitled to contest the approval of the terms and conditions of the proposed Settlement or the fees, costs, and reimbursements requested by Class Counsel, unless that person (i) has sent or delivered written objections and copies of any supporting papers and briefs so that they are received no later than December 27, 2013, to Class Counsel at the above addresses, and to counsel for CRHA and Constance Dunn at: James M. Bowling, St. John, Bowling, Lawrence and Quagliana, LLP, 416 Park Street, Charlottesville, VA 22902, and (ii) has filed objections, papers and briefs, showing proof of

service upon said counsel, with the Clerk of the United States District Court for the Western District of Virginia, 255 W. Main Street, Room 304, Charlottesville, VA 22902, on or before the same date. Any Class Member who does not submit an objection as provided above shall be deemed to have waived any objection to the Settlement and shall forever be forbidden from making any objection to class certification, to the fairness, adequacy, or reasonableness of the Settlement, and to the reimbursements or any attorneys' fees approved.

38. All memoranda, affidavits, declarations, and other evidence in support of the request for final approval of the Settlement; Class Counsel's request for approval of attorneys' fees, costs, and reimbursement of expenses; and Class Representatives' request for approval of incentive awards payments shall be filed on or before January 7, 2014.

39. The court may adjourn the Fairness Hearing from time to time without further notice other than to counsel of record, and may approve the proposed Settlement, the request for approval of attorneys' fees and expenses, and the request for approval of Class Representative incentive awards at or after the originally scheduled Fairness Hearing.

**Continuing Jurisdiction**

40. The court shall have continuing jurisdiction, during the term of this Agreement, to enforce this Settlement Agreement's terms, and to enforce the Final Judgment.

ENTER: This 6<sup>th</sup> day of November, 2013.



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Chief United States District Judge

#### ATTACHMENTS

1. 2010 2rw consumption study with schedule of allowances.
2. List of tenants due a reimbursement (identified by numbers) with amount of charges eligible for reimbursement.
3. List of tenants due a \$50 payment for each year they remained under the annual utility allowance (identified by numbers) with total amount to be reimbursed.
4. Notice form.

# EXHIBIT 1

To Proposed Preliminary Order



Date: 12-17-2010

Organization: Charlottesville Redevelopment and Housing Authority  
 Location: Crescent Halls  
 Group Name: I  
 Unit Type: Apartment Units (5+ units per building)  
 Unit Age: Before 1980  
 Cooking Resource: Natural Gas  
 Water Heating Resource: Natural Gas  
 Heating Resource: Natural Gas  
 Heat Pump? No

## Monthly Utility Allowance

Bedrooms	Electricity	Natural Gas	Bottled Gas	Fuel Oil	Water	Sewer
1	304 kwh	N/A	N/A	N/A	4 ccf	N/A
2	417 kwh	N/A	N/A	N/A	6 ccf	N/A

\*N/A - No allowances specified for indicated resource



Date: 12-17-2010

Organization: Charlottesville Redevelopment and Housing Authority  
Location: Madison  
Group Name: I  
Unit Type: Duplexes, Row Houses, Townhouses  
Unit Age: 1980 - 1995  
Cooking Resource: Natural Gas  
Water Heating Resource: Natural Gas  
Heating Resource: Natural Gas  
Heat Pump? No

Monthly Utility Allowance

Bedrooms	Electricity	Natural Gas	Bottled Gas	Fuel Oil	Water	Sewer
2	348 kwh	N/A	N/A	N/A	6 ccf	N/A

\*N/A - No allowances specified for indicated resource



Date: 12-17-2010

Organization: Charlottesville Redevelopment and Housing Authority  
 Location: Michie  
 Group Name: I  
 Unit Type: Duplexes, Row Houses, Townhouses  
 Unit Age: 1980 - 1995  
 Cooking Resource: Natural Gas  
 Water Heating Resource: Natural Gas  
 Heating Resource: Natural Gas  
 Heat Pump? No

## Monthly Utility Allowance

Bedrooms	Electricity	Natural Gas	Bottled Gas	Fuel Oil	Water	Sewer
2	348 kwh	N/A	N/A	N/A	6 ccf	N/A
3	481 kwh	N/A	N/A	N/A	9 ccf	N/A

\*N/A - No allowances specified for indicated resource





Date: 12-17-2010

Organization: Charlottesville Redevelopment and Housing Authority  
 Location: Riverside  
 Group Name: I  
 Unit Type: Duplexes, Row Houses, Townhouses  
 Unit Age: 1980 - 1995  
 Cooking Resource: Natural Gas  
 Water Heating Resource: Natural Gas  
 Heating Resource: Natural Gas  
 Heat Pump? No

Monthly Utility Allowance

Bedrooms	Electricity	Natural Gas	Bottled Gas	Fuel Oil	Water	Sewer
3	481 kwh	N/A	N/A	N/A	9 ccf	N/A

\*N/A - No allowances specified for indicated resource



Date: 12-17-2010

Organization: Charlottesville Redevelopment and Housing Authority  
Location: Single Family Homes  
Group Name: Detached  
Unit Type: Detached  
Unit Age: 1980 - 1995  
Cooking Resource: Natural Gas  
Water Heating Resource: Natural Gas  
Heating Resource: Natural Gas  
Heat Pump? No

## Monthly Utility Allowance

Bedrooms	Electricity	Natural Gas	Bottled Gas	Fuel Oil	Water	Sewer
3	565 kwh	N/A	N/A	N/A	11 ccf	N/A

\*N/A - No allowances specified for indicated resource



Date: 12-17-2010

Organization: Charlottesville Redevelopment and Housing Authority  
Location: Single Family Homes  
Group Name: Multifamily  
Unit Type: Multiple Family (2-4 units)  
Unit Age: 1980 - 1995  
Cooking Resource: Natural Gas  
Water Heating Resource: Natural Gas  
Heating Resource: Natural Gas  
Heat Pump? No

## Monthly Utility Allowance

Bedrooms	Electricity	Natural Gas	Bottled Gas	Fuel Oil	Water	Sewer
3	416 kwh	N/A	N/A	N/A	11 ccf	N/A

\*N/A - No allowances specified for indicated resource



Date: 12-17-2010

Organization: Charlottesville Redevelopment and Housing Authority  
Location: Sixth Street  
Group Name: I  
Unit Type: Duplexes, Row Houses, Townhouses  
Unit Age: 1980 - 1995  
Cooking Resource: Natural Gas  
Water Heating Resource: Natural Gas  
Heating Resource: Natural Gas  
Heat Pump? No

Monthly Utility Allowance

Bedrooms	Electricity	Natural Gas	Bottled Gas	Fuel Oil	Water	Sewer
3	481 kwh	N/A	N/A	N/A	9 ccf	N/A

\*N/A - No allowances specified for indicated resource



Date: 12-17-2010

Organization: Charlottesville Redevelopment and Housing Authority  
 Location: South 1st Street  
 Group Name: I  
 Unit Type: Duplexes, Row Houses, Townhouses  
 Unit Age: 1980 - 1995  
 Cooking Resource: Natural Gas  
 Water Heating Resource: Natural Gas  
 Heating Resource: Natural Gas  
 Heat Pump? No

## Monthly Utility Allowance

Bedrooms	Electricity	Natural Gas	Bottled Gas	Fuel Oil	Water	Sewer
1	252 kwh	N/A	N/A	N/A	N/A	N/A
2	348 kwh	N/A	N/A	N/A	N/A	N/A
3	481 kwh	N/A	N/A	N/A	N/A	N/A
4	577 kwh	N/A	N/A	N/A	N/A	N/A
5	673 kwh	N/A	N/A	N/A	N/A	N/A

\*N/A - No allowances specified for indicated resource



Date: 12-17-2010

Organization: Charlottesville Redevelopment and Housing Authority  
 Location: Westhaven  
 Group Name: I  
 Unit Type: Duplexes, Row Houses, Townhouses  
 Unit Age: Before 1980  
 Cooking Resource: Natural Gas  
 Water Heating Resource: Natural Gas  
 Heating Resource: Natural Gas  
 Heat Pump?: No

## Monthly Utility Allowance

Bedrooms	Electricity	Natural Gas	Bottled Gas	Fuel Oil	Water	Sewer
1	252 kwh	N/A	N/A	N/A	N/A	N/A
2	348 kwh	N/A	N/A	N/A	N/A	N/A
3	481 kwh	N/A	N/A	N/A	N/A	N/A
4	577 kwh	N/A	N/A	N/A	N/A	N/A
5	673 kwh	N/A	N/A	N/A	N/A	N/A

\*N/A - No allowances specified for indicated resource

**EXHIBIT 2 to Preliminary Order****Total excess utility charges paid by tenants incurred between June 7, 2007 and May 31, 2013**

<i>ID</i>	<i>Total paid</i>
10019	\$120.68
10024	\$15.89
10035	\$29.91
10043	\$303.63
10056	\$478.31
10062	\$1,488.49
10070	\$527.64
10081	\$1,234.36
10097	\$326.47
10100	\$510.92
10113	\$1,069.43
10121	\$820.46
10137	\$976.45
10145	\$2,630.07
10159	\$745.56
10168	\$2,262.66
10176	\$1,178.00
10184	\$206.61
10192	\$1,100.70
10202	\$3,005.57
10215	\$18.87
10228	\$1,721.71
10231	\$2,164.67
10244	\$588.53
10253	\$3,033.14
10266	\$1,966.34
10277	\$1,765.19
10289	\$1,053.88
10290	\$1,206.37
10304	\$732.69
10312	\$593.78
10320	\$150.41
10336	\$203.56
10348	\$2,303.65
10357	\$75.15
10361	\$147.68
10373	\$944.77
10385	\$30.05
10399	\$749.56
10407	\$1,710.43
10410	\$1,029.23
10429	\$1,356.73
10432	\$798.94

10441	\$25.06
10455	\$356.17
10464	\$31.09
10478	\$128.06
10486	\$755.68
10493	\$486.02
10503	\$29.63
10516	\$3,030.82
10527	\$589.63
10534	\$1,832.27
10542	\$1,324.39
10550	\$221.39
10569	\$1,268.28
10575	\$2,226.30
10588	\$310.71
10591	\$930.24
10606	\$1,742.43
10611	\$130.06
10622	\$2,437.09
10633	\$49.27
10640	\$1,037.80
10654	\$574.09
10665	\$719.11
10679	\$185.70
10687	\$92.36
10698	\$1,023.97
10709	\$357.77
10714	\$112.23
10723	\$816.51
10738	\$989.53
10746	\$1,964.26
10751	\$283.89
10767	\$132.32
10772	\$883.62
10780	\$465.19
10795	\$91.76
10805	\$2,382.60
10818	\$608.52
10826	\$2,662.40
10852	\$389.07
10860	\$834.87
10871	\$316.74
10883	\$144.01
10894	\$948.20
10901	\$3,826.37
10917	\$252.14
10925	\$742.96



10930	\$495.74
10949	\$233.55
10958	\$1,134.96
10963	\$929.28
10974	\$1,019.69
10982	\$284.49
10996	\$2,099.87
11009	\$168.14
11014	\$688.81
11023	\$651.67
11038	\$219.02
11046	\$132.07
11051	\$35.05
11067	\$494.70
11072	\$105.69
11080	\$100.28
11095	\$41.57
11102	\$1,242.36
11115	\$14.78
11128	\$663.32
11131	\$1,553.83
11144	\$1,212.84
11153	\$353.73
11166	\$124.70
11177	\$28.11
11189	\$935.09
11190	\$27.00
11206	\$2,072.08
11211	\$88.12
11222	\$880.96
11233	\$1,759.67
11240	\$324.15
11254	\$2,327.87
11265	\$248.04
11279	\$183.77
11287	\$2,248.73
11298	\$545.49
11303	\$193.06
11316	\$56.20
11327	\$256.83
11334	\$32.41
11342	\$97.93
11350	\$530.91
11369	\$306.79
11375	\$1,515.55
11388	\$1,315.55
11391	\$97.84

11401	\$193.76
11417	\$55.03
11425	\$325.21
11430	\$1,114.04
11449	\$374.39
11458	\$51.49
11463	\$548.45
11474	\$1,648.75
11482	\$1,197.68
11496	\$1,711.48
11505	\$1,104.58
11518	\$1,019.72
11526	\$39.77
11539	\$250.08
11547	\$157.32
11552	\$331.73
11571	\$584.97
11583	\$91.48
11594	\$743.14
11604	\$1,414.59
11612	\$2,049.13
11620	\$0.42
11636	\$2,704.90
11648	\$1,159.36
11657	\$1,139.02
11661	\$305.22
11673	\$400.82
11685	\$916.23
11699	\$920.09
11700	\$298.64
11713	\$662.43
11721	\$1,064.93
11737	\$1,464.15
11745	\$2,879.93
11759	\$79.53
11768	\$626.01
11776	\$861.56
11784	\$1,385.86
11792	\$588.77
11807	\$1,277.45
11810	\$1,896.83
11829	\$519.54
11832	\$313.28
11841	\$1,824.29
11855	\$2,785.22
11864	\$1,600.34
11878	\$634.66

11886	\$1,778.31
11893	\$144.90
11908	\$520.02
11919	\$521.20
11924	\$2,186.36
11935	\$66.06
11943	\$2,067.35
11956	\$102.44
11962	\$1,355.99
11970	\$2,013.59
11981	\$649.61
11997	\$443.12
12001	\$140.27
12017	\$1,845.29
12025	\$604.28
12030	\$183.38
12049	\$711.05
12058	\$1,171.36
12063	\$1,736.47
12074	\$3,036.73
12082	\$7.56
12096	\$937.71
12105	\$1,597.38
12118	\$1,253.04
12126	\$473.14
12139	\$773.62
12147	\$403.22
12152	\$128.24
12160	\$925.77
12171	\$48.93
12194	\$322.38
12208	\$69.12
12219	\$424.96
12224	\$64.90
12235	\$282.14
12243	\$103.94
12256	\$61.28
12262	\$357.88
12270	\$396.84
12281	\$93.90
12297	\$602.19
12306	\$86.25
12311	\$40.18
12322	\$415.29
12333	\$309.27
12340	\$254.92
12354	\$56.04

12365	\$32.47
12379	\$530.91
12387	\$101.06
12398	\$400.66
12404	\$104.24
12412	\$405.85
12420	\$343.33
12436	\$171.63
12448	\$263.79
12457	\$242.27
12461	\$177.24
12473	\$1,714.75
12485	\$203.63
12499	\$75.03
12500	\$14.78
12513	\$593.25
12521	\$318.49
12537	\$653.01
12545	\$417.15
12559	\$319.51
12568	\$1,129.29
12576	\$266.21
12584	\$305.22
12592	\$173.63
12602	\$35.53
12615	\$49.83
12628	\$320.22
12631	\$960.15
12644	\$13.89
12653	\$992.99
12677	\$107.58
12689	\$1,946.17
12690	\$2.77
12703	\$197.57
12716	\$365.57
12727	\$282.62
12734	\$1,023.22
12742	\$1,205.21
12750	\$137.69
12769	\$608.68
12775	\$615.41
12788	\$323.89
12791	\$1,422.42
12809	\$684.32
12814	\$554.66
12823	\$454.78
12838	\$832.73

12846	\$1,978.00
12851	\$383.45
12867	\$29.98
12872	\$2,868.53
12880	\$1,451.09
12895	\$2,265.28
12907	\$1,021.86
12910	\$354.16
12929	\$32.69
12932	\$223.88
12941	\$844.11
12955	\$17.02
12964	\$431.89
12978	\$3,125.21
12986	\$230.96
12993	\$229.94
13000	\$3,035.01
13013	\$174.68
13021	\$11.18
13037	\$461.50
13045	\$1,841.25
13059	\$1,742.82
13068	\$19.91
13076	\$925.79
13084	\$367.39
13092	\$128.03
13101	\$978.04
13117	\$191.43
13125	\$339.24
13130	\$75.15
13149	\$204.11
13158	\$1,478.23
13163	\$51.77
13174	\$31.58
13182	\$5.00
13196	\$173.69
13207	\$2.15
13210	\$59.55
13229	\$1,200.13
13232	\$1,406.02
13241	\$3.12
13255	\$202.05
13264	\$494.46
13278	\$467.27
13286	\$57.12
13293	\$225.76
13308	\$34.20

13319	\$404.18
13324	\$87.87
13335	\$1,125.65
13343	\$2,143.53
13356	\$405.57
13362	\$1,270.80
13370	\$985.86
13381	\$31.16
13397	\$170.31
13403	\$745.59
13416	\$983.17
13427	\$282.34
13434	\$1,287.87
13442	\$1,290.59
13450	\$2.64
13469	\$35.18
13475	\$247.76
13488	\$1,394.10
13491	\$612.24
13515	\$504.83
13528	\$179.19
13531	\$837.44
13544	\$625.73
13553	\$220.15
13566	\$164.89
13577	\$367.74
13589	\$1,429.66
13590	\$718.07
13609	\$29.84
13614	\$15.69
13623	\$5.63
13638	\$571.15
13646	\$606.69
13651	\$121.74
13667	\$779.09
13672	\$373.70
13680	\$413.28
13695	\$540.52
13705	\$207.85
13718	\$707.82
13726	\$1,311.54
13739	\$2.50
13747	\$183.49
13752	\$175.85
13760	\$165.73
13771	\$253.94
13783	\$16.10

13794	\$48.99
13806	\$107.43
13811	\$472.75
13822	\$38.66
13833	\$1.87
13840	\$611.30
13854	\$2,026.72
13865	\$34.91
13879	\$437.57
13887	\$201.96
13898	\$150.87
13904	\$1,832.71
13912	\$204.12
13920	\$124.56
13936	\$89.32
13948	\$14.64
13957	\$42.89
13961	\$309.52
13973	\$144.56
13985	\$440.35
13999	\$568.73
14004	\$765.08
14012	\$170.53
14020	\$645.22
14036	\$22.56
14048	\$45.88
14057	\$260.68
14061	\$832.52
14073	\$14.50
14085	\$148.04
14099	\$2.64
14103	\$79.95
14116	\$101.40
14127	\$411.90
14134	\$121.45
14142	\$113.19
14150	\$691.23
14169	\$7.92
14175	\$111.04
14188	\$1,991.73
14191	\$78.86
14209	\$444.20
14214	\$166.27
14223	\$288.78
14238	\$209.31
14246	\$74.34
14251	\$1,535.66

14267	\$112.29
14272	\$1,194.45
14280	\$476.79
14295	\$32.41
14307	\$38.52
14310	\$900.80
14329	\$331.30
14332	\$107.98

**TOTAL NUMBER  
OF TENANTS: 427**

**TOTAL EXCESS  
CHARGES PAID: \$288,717.24**



## **EXHIBIT 3 to Preliminary Order**

### **Tenants eligible for \$50 vouchers 2008-2012**

ID	Year
10304	2008
10930	2008
11115	2008
11211	2008
12152	2008
12653	2008
12727	2008
12750	2008
12867	2008
12895	2008
12907	2008
12932	2008
13068	2008
13084	2008
13092	2008
13163	2008
13210	2008
13264	2008
13590	2008
13747	2008
13783	2008
13794	2008
13806	2008
13822	2008
14307	2008
14341	2008
14355	2008
14386	2008
10100	2009
11067	2009
11095	2009
11211	2009
11458	2009
11673	2009
11700	2009
11919	2009
12096	2009
12152	2009
12750	2009
12867	2009
12907	2009
12932	2009
13068	2009

13101	2009
13163	2009
13210	2009
13255	2009
13264	2009
13381	2009
13590	2009
13806	2009
13961	2009
14307	2009
14364	2009
14378	2009
14393	2009
14406	2009
14411	2009
14756	2010
14762	2010
14770	2010
14781	2010
14797	2010
14802	2010
14815	2010
14828	2010
14831	2010
14844	2010
14853	2010
14866	2010
14877	2010
14889	2010
14890	2010
14900	2010
14913	2010
14921	2010
14937	2010
14945	2010
14959	2010
14968	2010
14976	2010
14984	2010
14992	2010
15002	2010
15015	2010
15028	2010
10024	2011
15031	2011
15044	2011
15053	2011

15066	2011
15077	2011
15089	2011
15090	2011
15106	2011
15111	2011
15122	2011
15133	2011
15140	2011
15154	2011
15165	2011
15179	2011
15187	2011
15198	2011
15201	2011
15217	2011
15225	2011
15230	2011
15249	2011
15258	2011
15263	2011
15274	2011
10024	2012
15282	2012
15296	2012
15309	2012
15314	2012
15323	2012
15338	2012
15346	2012
15351	2012
15367	2012
15372	2012
15380	2012
15395	2012
15405	2012
15418	2012
15426	2012
15439	2012
15447	2012
15452	2012
15460	2012

**TOTAL NUMBER  
OF VOUCHERS:**

**132**

***TOTAL VALUE OF  
VOUCHERS:       \$6,600.00***

## FEDERAL COURT ORDERED LEGAL NOTICE

### YOU MAY ABLE TO GET MONEY IN A CLASS ACTION SETTLEMENT.

### DID YOU LIVE IN A CHARLOTTESVILLE HOUSING AUTHORITY UNIT AND HAVE TO PAY EXCESS ELECTRIC UTILITY CHARGES AT ANY TIME SINCE JUNE 7, 2007?

The lawsuit is *Lewis et al. v. Charlottesville Redevelopment and Housing Auth. et al.*, 3:12cv26.

A FEDERAL COURT ORDERED THIS NOTICE. IT IS NOT A SOLICITATION FROM A LAWYER.

#### 1. What is this Notice About?

This is a court notice to let you know about a proposed Settlement in this "class action" lawsuit. It tells how you may be able to get money from the Settlement. You may be able to get money if you are:

1. A current or former tenant of the Charlottesville Housing Authority (CRHA)
2. At any time since June 7, 2007 and
3. You were subject to CRHA's 2003 resolution regarding utility allowances.

This means that you lived in a unit where CRHA charged you if your electricity use was greater than the allowance.

#### 2. What is the lawsuit about?

Six tenants and PHAR (Public Housing Association of Residents) filed the lawsuit claiming that CRHA violated the U.S. Housing Act and Virginia law in charging tenants for excess electricity use. The lawsuit claims that CRHA failed to properly review its charges and update its electric allowances. Thus, the charges were unlawful. It also claims CRHA promised to pay residents a \$50 savings bond for each year they kept their electric usage below the annual allowance, and that CRHA failed to keep that promise.

To settle this case, CRHA has agreed to pay \$160,000.00 total and to make changes that will help current residents. Of this money, \$95,400.00 will be split among tenants who paid excess utilities since June 7, 2007; \$6,600.00 will be given to tenants who did not exceed the annual utility allowances; \$6,000.00 will be split among the class representatives; \$50,000.00 will be given to Legal Aid Justice Center as attorney's fees; and up to \$2,000.00 will be used to pay for the administration of the settlement.

#### 3. How much money may I get in this settlement?

**You paid excess electric charges.** If the Court approves the proposed Settlement, each household who lived in CRHA housing subject to the electric excess charges

since June 7, 2007 and was assessed excess charges will receive as a refund 33.043% of what that household paid in excess charges.

**The CRHA records in the lawsuit show that you paid \$\_\_\_\_\_ in excess electric charges since June 7, 2007. You will get \$\_\_\_\_\_ in a check.**

If you think this amount is wrong, please bring any information you have about what you paid to the Legal Aid Justice Center. If you think this amount seems right, you need do nothing and you will get a check from the Legal Aid Justice Center.

**You stayed within your electric allowance.** If your household went a calendar year and did not go over its annual electric allowance, you will get \$50.00 for each year that you did not go over the annual allowance between June 7, 2007 and July 1, 2013.

**The CRHA records in the lawsuit show that you stayed within your electric allowance for the years \_\_\_\_\_. You will get \$\_\_\_\_\_ in a check.**

If you think this amount is wrong, please bring any information about the years you stayed within your allowance to the Legal Aid Justice Center. If you think this amount seems right, you need do nothing and you will get a check from Legal Aid.

4. What else does this settlement give me?

If you are now a tenant in public housing, you get changes in the billing of electric utility charges.

1. **New allowances.** CRHA will set new allowances for electricity based on the average electrical use in the Charlottesville area. The allowances are higher than those CRHA now uses and will stay in place for at least 5 years.

2. **New charges if exceed allowance.** If a tenant goes over the new allowance for electricity, the tenant will pay 7.4 ¢ per kilowatt hour of use above the allowance. The rate of 7.4 ¢ per kilowatt hour will also be in place for at least 5 years.

3. **\$15 monthly credit.** Each household with an electricity allowance will receive a monthly credit of \$15.00 to its account to be used for electric bills or any other charges for 36 months from the date of this settlement. You may use the credit as you choose for charges under your lease.

4. **\$5 monthly credit.** After the 36 months, each household subject to the electric charges will receive a monthly credit of \$5.00 to their accounts for another 24 months.

**5. Process to be exempt from excess charges.** CRHA will create new rules for households with elderly or disabled members who have special needs for extra electric usage to ask for an exemption from the excess charges.

**5. What are my legal rights and options?**

You can:

**Do nothing.....** You will get money as stated above. Please make sure the Legal Aid lawyers have your right address.

**Exclude yourself.....** You will get no payment. This is the only option that allows you to file your own lawsuit against the CRHA about the legal claims in this case.

**Object.....** You can write to the court saying you do not like the settlement. You must tell the court why.

**Get a lawyer.....** You have the right to get your own lawyer to represent you if you want.

**6. How may I exclude myself from this settlement?**

You must opt out if you want to exclude yourself from the lawsuit. You will NOT get any Settlement money. But you may have the right to bring your own lawsuit against CRHA within the time allowed by law for the claims in the lawsuit. You must opt out before December 27, 2013. If you do not opt out by December 27, 2013, you cannot bring a separate lawsuit covering the same claims as the current lawsuit. Also, the Settlement Agreement will not bind you, and you cannot get the settlement money.

To opt out from the class action, you must send a letter to the Court stating clearly that you want to opt out of this case. You should send this letter to:

Legal Aid Justice Center  
1000 Preston Ave., Suite A  
Charlottesville, VA 22903

Include in your letter the case name, Lewis et al. v. CRHA et al., and/or the case number, 3:12-CV-26.

If you choose to opt out of the class action, you should consult a lawyer as to your rights. Please do not phone the Court about your decision.



7. What if I think the Settlement is unfair?

If you want to object to the settlement, you must file an objection with the Clerk of the Court before December 27, 2013. As a Class Member, you may object to the settlement if you think any part is unfair, unreasonable, and/or inadequate. Federal Judge Glen E. Conrad will hold an in-person hearing at 2:00 P.M. on January 13, 2014, at the United States Courthouse, 255 W. Main Street, Charlottesville, VA 22902. He will decide if the settlement is fair, reasonable, and adequate.

To object, you must send a letter stating that you object to the settlement in the *Lewis* case. Be sure to include (1) the name of this lawsuit, *Lewis et al. v. CRHA et al.*, Case No. 3:12-cv-0026; (2) your full name, current address and telephone number; (3) the reasons you object to the settlement; and (4) your signature. Mail the objection to these three different places so that they get it no later than December 27, 2013. You also must file a statement with the Court that tells the date you mailed or delivered copies of these papers to Class Counsel and Defense Counsel.

COURT  
Clerk of the Court  
United States District Court  
255 W. Main Street  
Charlottesville, VA 22902

CLASS COUNSEL  
Legal Aid Justice Center  
1000 Preston Ave., Suite A  
Charlottesville, VA 22903

DEFENSE COUNSEL  
James M. Bowling  
St. John, Bowling, Lawrence  
and Quagliana, LLP  
416 Park Street  
Charlottesville, VA 22902

**You do not have to be present at the hearing to get your share of the settlement money.** If you do nothing, you will receive your class share, if the Judge approves the Settlement.

8. How do I find out more?

If you want more information or don't understand this notice, **contact**

**Legal Aid Justice Center**

**1-800-578-8111**

**By email at [brenda@justice4all.org](mailto:brenda@justice4all.org) or  
at 1000 Preston Ave., Ste. A  
Charlottesville VA 22903**